

**49.857 Administrative enforcement of support; denial, nonrenewal, restriction and suspension of licenses.**

**1)** In this section:

- (a) "Child support agency" means a county child support agency under s. 59.53 (5).
- (b) "Credential" means a license, permit, certificate or registration that is granted under chs. 440 to 480.
- (c) "Credentialing board" means a board, examining board or affiliated credentialing board in the department of regulation and licensing that grants a credential.
- (d) "License" means any of the following:
  - 1. A license issued under s. 13.63 or a registration issued under s. 13.64.
  - 2. An approval specified in s. 29.024 (2g).
  - 2m. A fishing approval issued under s. 29.229.
  - 3. A license issued under s. 48.66 (1) (a) or (b).
  - 4. A certification, license, training permit, registration, approval or certificate issued under s. 49.45 (2) (a) 11.146.50 (5) (a) or (b), (6g) (a) or (8) (a), 250.05 (5), 252.23 (2), 252.24 (2), 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3) or (4), 254.47 (1), 254.64 (1) (a) or (b), 254.71 (2) or 255.08 (2).
  - 5. A business tax registration certificate issued under s. 73.03 (50).
  - 6. A license, registration, registration certificate or certification specified in s. 93.135 (1).
  - 7. A license, permit or certificate of certification or registration specified in s. 101.02 (21)(a).
  - 8. A license issued under s. 102.17 (1) (c), 104.07 or 105.05.
  - 10. A certificate issued under s. 103.275, 103.91 or 103.92.
  - 11. A license or permit issued under chs. 115 and 118.
  - 12. A license or certificate of registration issued under ss. 138.09, 138.12, 217.06, 218.0101 to 218.0163, 218.02, 218.04, 218.05, 224.72, 224.93 or subch. III of ch. 551.
  - 13. A permit issued under s. 170.12.
  - 14. A certification under s. 165.85.
  - 15. A license, permit or registration issued under ss. 218.0101 to 218.0163, 218.11, 218.12, 218.22, 218.32, 218.41, 218.51, 341.51, 343.305 (6), 343.61 or 343.62.
  - 16. A license, registration or certification specified in s.299.08(1)(a).
  - 17. A license issued under ch. 343 or, with respect to restriction, limitation or suspension, an individual's operating privilege, as defined in s. 340.01 (40).
  - 18. A credential.
  - 19. A license issued under s. 563.24 or ch. 562.
  - 20. A license issued under s. 628.04, 632.68 (2) or (4) or 633.14 or a temporary license issued under s. 628.09.
  - 21. A license to practice law.
- (e) "Licensing agency" means a board, office or commissioner, department or division within a department that grants or issues a license, but does not include a credentialing board.
- (em) "Licensing authority" means the Supreme Court or the Lac du Flambeau band of the Lake Superior Chippewa.
- (f) "Subpoena or warrant" means a subpoena or warrant issued by the department of workforce development or a child support agency and relating to paternity or support proceedings.
- (g) "Support" means child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse.

(2) (a) The department of workforce development shall establish a system, in accordance with federal law, under which a licensing authority is requested, and a licensing agency or credentialing board is required, to restrict, limit, suspend, withhold, deny, refuse to grant or issue or refuse to renew or revalidate a license in a timely manner upon certification by and in cooperation with the department of workforce development, if the individual holding or applying for the license is delinquent in making court-ordered payments of support or fails to comply, after appropriate notice, with a subpoena or warrant.

(b) Under the system, the department of workforce development shall enter into a memorandum of understanding with a licensing authority, if the licensing authority agrees, and with a licensing agency. A memorandum of understanding under this paragraph shall address at least all of the following:

1. The circumstances under which the licensing authority or the licensing agency must restrict, limit, suspend, withhold, deny, refuse to grant or issue or refuse to renew or revalidate a license and guidelines for determining the appropriate action to take. The memorandum of understanding with the department of regulation and licensing shall include the circumstances under which the department of regulation and licensing shall direct a credentialing board to restrict, limit, suspend, withhold, deny or refuse to grant a credential and guidelines for determining the appropriate action to take. The guidelines under this subdivision for determining the appropriate action to take shall require the consideration of whether the action is likely to have an adverse effect on public health, safety or welfare or on the environment, and of whether the action is likely to adversely affect individuals other than the individual holding or applying for the license, such as employees of that individual.

2. Procedures that the department of workforce development shall use for doing all of the following:

- a. Certifying to the licensing authority or licensing agency delinquency in support or a failure to comply with a subpoena or warrant. The memorandum of understanding with the department of regulation and licensing shall include procedures for the department of regulation and licensing to notify a credentialing board that a certification of delinquency in support or failure to comply with a subpoena or warrant has been made by the department of workforce development with respect to an individual who holds or applied for a credential granted by the credentialing board.

- b. Notifying an individual who is delinquent in making court-ordered payments of support under sub. (3) (a). bg. Notifying an individual who is delinquent in making court-ordered payments of support and who fails to request a hearing under sub. (3) (am). br. Notifying an individual who fails to comply with a subpoena or warrant under sub. (3) (b).

- c. Notifying the licensing authority or licensing agency that an individual has paid delinquent support or made satisfactory alternative payment arrangements or satisfied the requirements under a subpoena or warrant. The memorandum of understanding with the department of regulation and licensing shall include procedures for the department of regulation and licensing to notify a credentialing board that an individual who holds or applied for a credential granted by the credentialing board has paid delinquent support or made satisfactory alternative payment arrangements or satisfied the requirements under a subpoena or warrant.

3. Procedures that the licensing authority or licensing agency shall use for doing all of the following:

- a. Restricting, limiting, suspending, withholding, denying, refusing to grant or issue or refusing to renew or revalidate a license. The memorandum of understanding with the department of regulation and licensing shall include procedures for the department of regulation and licensing to direct a credentialing board to restrict, limit, suspend, withhold, deny or refuse to grant a credential.
- b. Notifying an individual of action taken under sub. (3) (c)2.
- c. Issuing or reinstating a license if the department of work-force development notifies the licensing authority or licensing agency that an individual who was delinquent in making court–or–dered payments of support has paid the delinquent support or made satisfactory alternative payment arrangements or that an individual who failed to comply with a subpoena or warrant has satisfied the requirements under the subpoena or warrant. The memorandum of understanding with the department of regulation and licensing shall include procedures for the department of regulation and licensing to direct a credentialing board to grant or rein-state a credential if the department of workforce development notifies the department of regulation and licensing that an individual who holds or applied for a credential granted by the credentialing board has paid the delinquent support or made satisfactory alternative payment arrangements or that an individual who failed to comply with a subpoena or warrant has satisfied the requirements under the subpoena or warrant.
- d. Issuing or reinstating a license after the maximum time has elapsed if an individual who was delinquent in making court–ordered payments of support does not pay the delinquent support or make satisfactory alternative payment arrangements and if an individual who failed to comply with a subpoena or warrant fails to satisfy the requirements under the subpoena or warrant.

4. Procedures for the use under the system of social security numbers obtained from license applications.

5. Procedures for safeguarding the confidentiality of information about an individual, including social security numbers obtained by the department of workforce development, the licensing authority, the licensing agency or a credentialing board.

(c) 1. The system shall provide for adequate notice to an individual who is delinquent in making court–ordered payments of support, an opportunity for the individual to make alternative arrangements for paying the delinquent support, an opportunity for the individual to request and obtain a hearing before a court or family court commissioner as provided in sub. (3) and prompt reinstatement of the individual's license upon payment of the delinquent support or upon making satisfactory alternative payment arrangements.

2. The system shall provide for adequate notice to an individual who fails to comply with a subpoena or warrant, an opportunity for the individual to satisfy the requirements under the subpoena or warrant and prompt reinstatement of the individual's license upon satisfaction of the requirements under the subpoena or warrant.

(d) Notwithstanding pars. (b) 3. c. and (c), under the system a license may not be restricted, limited, suspended, withheld, denied or refused granting, issuing,

renewing or revalidating for a delinquency in support for more than 5 years, or for a failure to comply with a subpoena or warrant for more than 6 months.

**(3)** (a) Before the department of workforce development certifies to a licensing authority or a licensing agency under the system established under sub. (2) that an individual is delinquent in making court-ordered payments of support, the department of workforce development or a child support agency shall provide notice to the individual by regular mail. The notice shall inform the individual of all of the following:

1. That a certification of delinquency in paying support will be made to a licensing authority, a licensing agency or, with respect to a credential granted by a credentialing board, the department of regulation and licensing.
  2. When the certification under subd. 1. will occur.
  3. That, upon certification, for a period of 5 years any license that the individual holds from any licensing agency or credentialing board, or from any licensing authority, if the licensing authority agrees, will be restricted, limited, suspended or not renewed or revalidated, and any license for which the individual applies or has applied from any licensing agency or credentialing board, or from any licensing authority if the licensing authority agrees, will not be granted or issued. The notice shall inform the individual that he or she may be eligible for an occupational license under s. 343.10 if his or her operating privilege is suspended.
  4. That the certification will not be made if the individual pays the delinquent amount in full or makes satisfactory alternative payment arrangements with the department of workforce development or a child support agency. The notice shall inform the individual of how he or she may pay the delinquent amount or make satisfactory alternative payment arrangements.
  5. That, within 20 business days after receiving the notice, the individual may request a hearing before the circuit court that rendered the order or judgment requiring the payments. The request shall be in writing and the individual shall mail or deliver a copy of the request to the child support agency.
- (ac) 1. If an individual timely requests a hearing under par. (a) 5., the court shall schedule a hearing within 10 business days after receiving the request. The family court commissioner may conduct the hearing. The only issues at the hearing shall be whether the individual is delinquent in making court-ordered payments of support and whether any alternative payment arrangement offered by the department of workforce development or the county child support agency is reasonable.
2. If at a hearing under subd. 1. the court or family court commissioner finds that the individual does not owe delinquent support, par. (a) the individual pays the delinquent amount in full or makes satisfactory alternative payment arrangements, the department of workforce development shall not place the individual's name on a certification list.
  3. If at a hearing under subd. 1. the court or family court commissioner makes a written determination that alternative payment arrangements proposed by the department of workforce development or a child support agency are not reasonable, the court or family

court commissioner may order for the individual an alternative payment arrangement. If the court or family court commissioner orders an alternative payment arrangement, the department of workforce development may not place the individual's name on a certification list.

(am) If an individual, after receiving notice under par. (a), does not timely request a hearing or pay the delinquent amount of support or make satisfactory alternative payment arrangements, the department of workforce development shall place the individual's name on a certification list. Thereafter, the department of work-force development or a child support agency shall provide a 2<sup>nd</sup> notice to the individual by regular mail that informs the individual of all of the following:

1. That the individual's name has been placed on a certification list, which will be provided to a licensing authority, a licensing agency or, with respect to a credential granted by a credentialing board, the department of regulation and licensing.
2. When the certification will be made.
3. That, upon certification, for a period of 5 years any license that the individual holds from any licensing agency or credentialing board, or from any licensing authority, if the licensing authority agrees, will be restricted, limited, suspended or not renewed or revalidated, and any license for which the individual applies or has applied from any licensing agency or credentialing board, or from any licensing authority if the licensing authority agrees, will not be granted or issued.
4. That the certification will not be made if the individual pays the delinquent amount in full or makes satisfactory alternative payment arrangements with the department of workforce development or a child support agency. The notice shall inform the individual of how he or she may pay the delinquent amount or make satisfactory alternative payment arrangements.
5. That, within 20 business days after receiving the notice, the individual may request a hearing before the circuit court that rendered the order or judgment requiring the payments. The request shall be in writing and the individual shall mail or deliver a copy of the request to the child support agency.

(ar) 1. If an individual timely requests a hearing under par. (am) 5., the court shall schedule a hearing within 10 business days after receiving the request. The family court commissioner may conduct the hearing. The only issues at the hearing shall be whether the individual is delinquent in making court-ordered payments of support and whether any alternative payment arrangement offered by the department of workforce development or the county child support agency is reasonable.

2. If at a hearing under subd. 1. the court or family court commissioner finds that the individual does not owe delinquent support, or if within 20 business days after receiving a notice under par. (am) the individual pays the delinquent amount in full or makes satisfactory alternative payment arrangements, the department of workforce development shall remove the individual's name from the certification list.

3. If at a hearing under subd. 1. the court or family court commissioner makes a written determination that alternative payment arrangements proposed by the department of workforce development or a child support agency are not reasonable, the court or family court commissioner may order for the individual an alternative payment arrangement. If the court or family court commissioner orders an alternative payment arrangement, the department of workforce development may not place the individual's name on a certification list. (b) Any subpoena or warrant shall include notice to the individual of the effect that a failure to comply with the subpoena or warrant may have on any license that the individual holds or for which the individual applies. If the individual fails to comply, before the department of workforce development certifies to a licensing authority or a licensing agency under the system established under sub. (2) that an individual has failed to comply with a subpoena or warrant, the department of workforce development or a child support agency shall provide notice to the individual by regular mail. The notice shall inform the individual of all of the following:

1. That a certification of the failure to comply with a subpoena or warrant will be made to a licensing authority, a licensing agency or, with respect to a credential granted by a credentialing board, the department of regulation and licensing.

2. When the certification under subd. 1. will occur.

3. That, upon certification, for a period of 6 months any license that the individual holds from any licensing agency or credentialing board, or from any licensing authority if the licensing authority agrees, will be restricted, limited, suspended or not renewed or revalidated, and any license for which the individual applies or has applied from any licensing agency or credentialing board, or from any licensing authority if the licensing authority agrees, will not be granted or issued.

4. That certification will not be made if the individual satisfies the requirements under the subpoena or warrant. The notice shall inform the individual of how he or she may satisfy those requirements.

(bm) If an individual, after receiving notice under par. (b), does not satisfy the requirements under the subpoena or warrant, the department of workforce development shall place the individual's name on a certification list.

(c) If the department of workforce development provides a certification list to a licensing authority, a licensing agency or, with respect to a credential granted by a credentialing board, the department of regulation and licensing, upon receipt of the list the licensing authority if the licensing authority agrees, the licensing agency or, with respect to a credential granted by a credentialing board, the department of regulation and licensing shall do all of the following:

1. In accordance with a memorandum of understanding entered into under sub. (2) (b), restrict, limit, suspend, withhold, deny, refuse to grant or issue or refuse to renew or revalidate a license if the individual holding or applying for the license is included on the list.

2. Provide notice to the individual by regular mail of the action taken under subd. 1.(d) 1. Subject to sub. (2) (d), if an individual who, on the basis of delinquent support, is denied a license or whose license, on the

basis of delinquent support, is restricted, limited, suspended or refused renewal or revalidation under a memorandum of understanding entered into under sub. (2) (b) pays the delinquent amount of support in full or makes satisfactory alternative payment arrangements, the department of workforce development shall immediately notify the licensing authority or licensing agency to issue or reinstate the individual's license as provided in the memorandum of understanding. If the individual held or applied for a credential granted by a credentialing board, the department of regulation and licensing shall, upon notice by the department of workforce development, notify the credentialing board to grant or reinstate the individual's credential. 2. Subject to sub. (2) (d), if an individual who, on the basis of a failure to comply with a subpoena or warrant, is denied a license or whose license, on the basis of a failure to comply with a subpoena or warrant, is restricted, limited, suspended or refused renewal or revalidation under a memorandum of understanding entered into under sub. (2) (b) satisfies the requirements under the subpoena or warrant, the department of workforce development shall immediately notify the licensing authority or licensing agency to issue or reinstate the individual's license as provided in the memorandum of understanding. If the individual held or applied for a credential granted by a credentialing board, the department of regulation and licensing shall, upon notice by the department of workforce development, notify the credentialing board to grant or reinstate the individual's credential.

**(4)** Each licensing agency shall enter into a memorandum of understanding with the department of workforce development under sub. (2) (b) and shall cooperate with the department of workforce development in its administration of s. 49.22. The department of regulation and licensing shall enter into a memorandum of understanding with the department of workforce development on behalf of a credentialing board with respect to a credential granted by the credentialing board.

**(5)** The restriction, limitation, suspension, withholding or denial of, or the refusal to grant, issue, renew or revalidate, a license under a memorandum of understanding entered into under sub. (2) (b) is not subject to administrative review under ch. 227.

**History:** 1997 a. 191; 1999 a. 9, 31, 32, 186.

Administrative Enforcement: A New Tool to Collect Support Arrears. Hickey.  
Wis. Law. Dec. 1998.